

## Christopher Fedeli

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**From:** Christopher Fedeli  
**Sent:** Tuesday, January 21, 2014 11:12 AM  
**To:** Jeff Garn (jefferson.garn@atg.in.gov)  
**Subject:** Indiana Election Division email production

Jeff:

I have not received the disk. But even judging from your description, it sounds like the disk would have included far fewer documents than could possibly be the sum total of what you are obligated to produce in response to my requests for Indiana Election Division emails. Even more importantly, while I was willing to give you one day grace beyond our agreed upon January 8 deadline in light of the weather, the fact that you did not even know whether your production was complete or not five days later on January 13 is inexcusable. You have had over 6 months to complete the production of emails I requested in my July 15, 2013 letter and my October 3, 2013 email to you. I have already conferred with you multiple times about this production, and yet you have still not produced all responsive emails. This is a serious concern for us.

Equally troubling is your continuing pattern of making written statements which turn out to be unreliable. We have already partially documented this problem to the Court in filing ECF No. 64, p. 2, ¶ 6. It would be unfortunate if we were forced to file another motion highlighting to the Court this statement on December 4, 2013: "Even with the holidays, however, I'd expect to get you the rest of the documents by January 8th," and this statement on December 30, 2013, "I still anticipate producing everything to you by January 8th since the holidays will be behind us and we'll be getting our clerks back soon." Nevertheless, your continued failure to comply with your discovery obligation will require us to file a Motion to Compel Production unless I receive all responsive emails from the remaining 7 custodians no later than January 27, 2014.

Chris

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**From:** Garn, Jefferson [<mailto:Jefferson.Garn@atg.in.gov>]  
**Sent:** Monday, January 13, 2014 12:23 PM  
**To:** Christopher Fedeli  
**Subject:** RE: County communications production

Sorry – that wasn't the clearest. There aren't many individual, unique documents. Many of the documents are very similar, and they're in a PDF format, so attaching them to an email would have been unwieldy. That does complete our production of what we have. But I wanted to let you know that I'm checking with the Indiana Office of Technology (a separate agency) to confirm that that is everything that they were able to retrieve given the search terms provided, because, frankly, we expected many more responsive emails. I will let you know as soon as I hear back from IOT.

Thanks,

Jeff

**Jefferson Garn**  
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Civil Litigation  
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Indianapolis, IN 46204

317-232-6292 phone  
317-232-7979 fax

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**From:** Christopher Fedeli [<mailto:CFedeli@JUDICIALWATCH.ORG>]  
**Sent:** Thursday, January 09, 2014 2:22 PM  
**To:** Garn, Jefferson  
**Subject:** RE: County communications production

Jeff,

Okay, but I'm a little confused. If there was only a small number of documents remaining for today's production, why send them by disk instead of email? I usually get disks when the volume of documents is too large to make emailing convenient. Should I be expecting a large volume of documents on this disks, or a small volume? And does today's mailing complete Indiana's production in response to my July 15, 2013 letter and October 3, 2013 email? I'm not complaining, I just want to make sure I understand you correctly.

Thanks,  
Chris

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**From:** Garn, Jefferson [<mailto:Jefferson.Garn@atg.in.gov>]  
**Sent:** Thursday, January 09, 2014 1:26 PM  
**To:** Christopher Fedeli  
**Subject:** RE: County communications production

Chris,

Given the format and number of remaining documents, we sent a disk with the supplemental production by mail today. Please let me know if you don't get that in the next couple of days. As I mentioned, there are not many remaining documents. The bulk of the remaining documents are memos that went out to the individual counties.

Best,

Jeff

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**From:** Garn, Jefferson  
**Sent:** Wednesday, January 08, 2014 5:06 PM  
**To:** 'Christopher Fedeli <[CFedeli@JUDICIALWATCH.ORG](mailto:CFedeli@JUDICIALWATCH.ORG)> ([CFedeli@JUDICIALWATCH.ORG](mailto:CFedeli@JUDICIALWATCH.ORG))'  
**Subject:** County communications production

Chris,

You may have heard that we have had some very bad weather lately. Despite a storm that made it illegal to drive in Indy and still has shut down most schools, we were able to finish reviewing the documents. As I had mentioned, I expected to produce the remaining documents for the plaintiffs today. But I did not expect a historic winter storm to disrupt our schedule to the extent it did. While we've finished the review, because of the weather-related absences (including IT assistance), I'm only able to produce the attached documents today. I'll get you the rest tomorrow once I get some technical assistance. There are not many more documents.

Best regards,

Jeff

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